

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 15-20283

HON. GEORGE CARAM STEEH

SVETLANA SRIBNA, *et al.*,

Defendants.

ORDER DENYING DEFENDANT'S MOTION FOR
EARLY PRODUCTION OF JENCKS ACT MATERIALS (DOC. 153)

This matter is presently before the Court on defendant Svetlana Sribna's Motion for Early Production of Jencks Act Materials. (Doc. 153). The Motion is joined by defendants Jennifer Franklin, Rodney Knight, Tara Jackson, Sashanti Morris, Anna Fradlis, and Maryna Pitsenko. Sribna requests that the Court order the Government to provide pre-trial production of witness statements. 18 U.S.C. § 3500, commonly known as the Jencks Act, states that:

[i]n any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a Government witness or prospective Government

witness (other than the defendant) shall be the subject of subpoena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.

18 U.S.C. § 3500(a). Sribna acknowledges the statute, but nevertheless requests that this evidence be produced before witnesses testify. She argues that failure to disclose violates her rights under the Fifth and Fourteenth Amendments. Sribna's argument fails. The statute is clear; the Government need not disclose this information until the witness has testified on direction examination. 18 U.S.C. § 3500(a). Moreover, "[t]he Sixth Circuit has expressly held that the Government has no obligation to disclose and the trial court has no discretion to require disclosure of Jencks Act material before a witness testifies." *United States v. Boykins*, 915 F.2d 1573 (6th Cir. 1990) (Table) (citing *United States v. Algie*, 667 F.2d 569, 571 (6th Cir. 1982)). See also *United States v. Presser*, 844 F.2d 1275, 1283 (6th Cir. 1988) ("The clear and consistent rule of this circuit is that the intent of Congress expressed in the Act must be adhered to and, thus, the government may not be compelled to disclose Jencks Act material before trial.").

For the reasons stated above, defendant's motion is DENIED.

IT IS SO ORDERED.

Dated: July 31, 2017

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
July 31, 2017, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk